

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:20-CV-257-BR

UNITED STATES OF AMERICA for
the use and benefit of SCHNEIDER
ELECTRIC BUILDING AMERICAS,
INC., SPC MECHANICAL
CORPORATION, and WATSON
ELECTRICAL CONSTRUCTION CO.,
LLC,

Plaintiffs,

v.

CBRE HEERY, INC. f/k/a HEERY
INTERNATIONAL, INC., TRAVELERS
CASUALTY AND SURETY COMPANY
OF AMERICA, LIBERTY MUTUAL
INSURANCE COMPANY, FIDELITY
AND DEPOSIT COMPANY OF
MARYLAND, and FEDERAL
INSURANCE COMPANY,

Defendants.

ORDER

A Rule 16 non-final pretrial conference was held by telephone on October 15, 2021, to address discovery issues and case management deadlines. Present at the pretrial conference were the following: Matthew K. Stiles of Kenneth Stiles Advisory, PLLC, on behalf of Plaintiffs; and Heather F. Shore of Brown & Ruprecht, PC, on behalf of Defendants CBRE Heery, Inc., Travelers Casualty and Surety Company of America, Liberty Mutual Insurance Company, Fidelity and Deposit Company of Maryland, and Federal Insurance Company.

For the reasons stated in open court, the court entered the following ORDERS, which the court hereby reaffirms and restates:

1. The parties shall respond to all outstanding written discovery requests by **November 12, 2021**.

2. Disclosure of rebuttal expert witnesses and submission of any reports thereof shall be due by **January 7, 2022**.

3. The discovery completion deadline of **November 1, 2021**, is hereby STAYED. The discovery deadline, as well as the expert deposition deadline previously stayed by the court (*see* 8/26/2021 Order [DE #160] ¶ 5), will be reset by the court following further consultation with the parties.

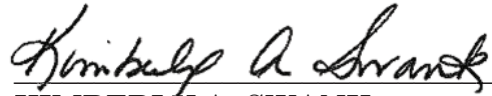
4. Plaintiffs' motion for leave to have their expert reports deemed timely [DE #158] is GRANTED over Defendants' objections as set forth in their Status Report filed August 26, 2021 [DE #159].

5. Plaintiffs' motion to extend certain discovery deadlines [DE #156] is DISMISSED as moot.

6. The next Rule 16, nonfinal pretrial conference will be held by telephone on **December 9, 2021, at 1:00 p.m.** In preparation for the conference, counsel for the parties shall meet and confer, *in person or by telephone or video*, in an effort to resolve any outstanding discovery disputes and to develop a mutually agreeable deposition schedule and proposed amended case management deadlines. On or before **December 2, 2021**, counsel shall file a joint report informing the court of the status of such

matters. With consent of Plaintiff, the court excuses Defendants' local counsel from appearance at the December 9, 2021, conference.

This 22nd day of October 2021.

A handwritten signature in black ink, reading "Kimberly A. Swank", written over a horizontal line.

KIMBERLY A. SWANK
United States Magistrate Judge